

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/552,620
Applicant: : Daniel STUDER
Filed : October 6, 2005
TC/A.U : 3724
Examiner : Stephen CHOI

Docket No. : 1278-0168
Customer No. : 6449
Confirmation No. : 9147

RESPONSE TO RESTRICTION REQUIREMENT

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated February 8, 2008, the applicants hereby elect Species A, which is encompassed by claims 1-8 and 11. This election is with traverse, as it is believed that the Restriction Requirement was improper. Section 1893.03(d) of the MPEP states:

[w]hen making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

The present Restriction Requirement fails to identify which claims are associated with each of the identified Species and does not provide any reasons for the statement that each group lacks unity or specifically describe the unique technical features in each group as required by MPEP 1893.03(d). Moreover, it seems that the Office Action used form paragraph 18.20 without including form paragraphs 18.17 and 18.18, as required by the Examiner Notes to form paragraph 18.20.

Furthermore, the applicant believes that all of the claims are directed to a single invention, however, because the Restriction Requirement fails to identify the claims associated with each species or provide any explanation as to why there is no single general inventive concept, it is not possible to make substantive arguments or give specific responses to reasons why the claims are not directed to a single inventive concept. Accordingly, reconsideration and withdrawal of the Restriction Requirement in this respect is requested.

Early and favorable action on the merits, combined with withdrawal of the Restriction Requirement, is believed in order and is requested. In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By _____/gfr4/_____
G. Franklin Rothwell
Attorney for Applicants
Registration No. 18,125
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040